



October 12, 2017

Mr. Ronald N. Gagnon, Chief  
Office of Technical and Customer Assistance  
Rhode Island Department of Environmental Management  
235 Promenade Street  
Providence, Rhode Island 02908

**Re: Former Ciba-Geigy Site (now BASF Corporation)**  
180 Mill Street  
Cranston, Rhode Island

Dear Mr. Gagnon:

AEI Consultants (AEI) has received your letter dated September 28, 2017 regarding our pre-application meeting held on September 19, 2017 at the Department of Environmental Management (DEM). The purpose of the meeting was to review permitting requirements for the closure of the former Ciba-Geigy site, (specifically Lot 1102), located at 180 Mill Street in Cranston, Rhode Island. Your letter presented a bullet summary of the issues discussed at the meeting. The purpose of this letter is to provide concurrence on behalf of BASF, and to submit clarification on several items in your letter. The first DEM statement in question is as follows:

- DEM noted that the Pawtuxet River has a high occurrence of flooding and that any flooding impacts due to the placement of fill in the floodplain should be compensated for by an equivalent volumetric removal of soil. If a fill/cut balance cannot be achieved, the applicant would need to show through a hydraulic analysis that there would be a negligible impact on the floodplain elevation and that any resulting impact would not affect other properties or structures.

Response: BASF does not own other property in this floodplain that could be used for compensatory soil removal. A hydraulic analysis using the same FEMA model used to determine the floodplain elevation has been completed to show that there would be a negligible impact on the floodplain elevation and would not impact other properties or structures. This analysis is being submitted under separate cover. Note this contrasts slightly with the below statement in your letter:

- The consultants indicated that they were in a process with FEMA to show that the impacts from the placement of fill would have no impact on the FEMA floodplain elevation. They indicated that FEMA concurrence is expected from the analysis.

In the same letter on this same topic, DEM makes the below statement:





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- DEM indicated that a similar analysis would be required to show that there would be a negligible impact to the floodplain on the adjacent properties. DEM noted that if there is a six inch or greater increase in the flood elevation on an adjacent property, either the property owner signature would be needed on an application to the Freshwater Wetlands Program or the affected owner would need to provide a notarized authorization letter allowing BASF to act as the applicant.

Response: The FEMA modelling completed is inclusive of the Site as well as the adjacent properties, therefore, only one analysis was necessary. The floodplain/floodway modeling of the Pawtuxet River was completed to determine what, if any, effects the placement of the proposed soil cap will have on flood elevations and extents. The results of this modeling have shown by comparison of existing and proposed conditions simulation results, there would be no material change in flood elevations (downstream, upstream, and along the reach across the site) as a result of the proposed cap. The few differences that were found in computed water surface elevations were on the order of 1/100<sup>th</sup> of an inch. This analysis is being submitted under separate cover.

DEM's letter also stated the following:

- DEM noted that due to the placement of uncompensated fill in the floodplain and the uncertainty at this time of the impacts, the applicant may submit an Application to Alter Freshwater Wetlands with a request to downgrade the application to a Preliminary Determination if it is found that the alteration can be determined to be insignificant.

Response: Based upon our discussions with Mr. Chuck Horbert, of RI Wetlands Department, a Preliminary Determination may be submitted instead of a full Application, if we believe that there is a negligible impact to the floodplain and adjacent properties. Given the modeling results noted above it appears reasonable to proceed with a Preliminary Determination application to the RIDEM Freshwater Wetlands Program. We understand that if DEM does not agree with these findings, it will be necessary to submit a full Application.

AEI hereby requests DEM review and agreement with the clarifications provided above. We respectfully request your earliest possible response to this letter. If you have any questions or comments, please call Rick Kowalski at (508)-951-3673.

Sincerely,

**AEI Consultants**

Richard G. Kowalski, CPG, LSP, CHMM  
Senior Hydrogeologist

C: Joseph Guarnaccia, BASF; Stephen Graham, AEI